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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,141	12/29/2000	Renato Bertuzzi	5699-29	8423

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EXAMINER

VAN, QUANG T

ART UNIT PAPER NUMBER

3742

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,141

Applicant(s)

BERTUZZI ET AL.

Examiner

Quang T Van

Art Unit

3742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 and 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18 is/are allowed.
- 6) ☒ Claim(s) 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04/06/2002 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 27-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stursberg (US 5,787,566) in view of Grimhall et al (US 4,516,614). Stursberg discloses a method and apparatus for cutting flat stock comprising a plasma arc cutting head (120, col. 7, lines 35), said head being mounted to move in two directions (col. 8, lines 37-40) to permit said cutting head to cut profiles in a stationary planar workpiece (col. 8, lines 51-59); and a movable bed (8) for supporting a planar workpiece (10); the movable bed (8, col.4, lines 49-55) being movable to a cutting position in which said cutting head (120) is operable to cut the workpiece (10); and the movable bed (8) being operable to transport the workpiece (10) away from the cutting head when cutting of the workpiece (10) has ceased (col. 9, lines 15-18 and col.8, lines 24-26). However, Stursberg does not disclose a path defining a circuit about which said movable bed can move. Grimhall discloses a path defining a circuit about which said movable bed can move (see the figure, col. 2, lines 37-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Stursberg a path defining a circuit about which said movable bed can move as taught by Grimhall in order to run through or re-circulate the workpiece if needed.
3. Claims 1-18 are allowed.

4. The following is a statement of reasons for the indication of allowable subject matter: the prior art of record does not show or suggest a cutting machine comprising a pathway including a portion along which said carriage bypasses said cutting head as recited in claims 1-18.

Response to Amendment

5. Applicant's arguments filed 03/29/2004 have been fully considered but they are not persuasive.

Applicants argue that "(i) there is no suggestion, motivation, or incentive to combine the references as proposed in the rejection, and (ii) that the device would not include the features of the invention" (Remarks, Rejection of Claims 27-29, par. 3). The Examiner disagrees. Stursberg discloses substantially all features of the claimed invention as described above except a path defining a circuit about which said movable bed can move. Grimhall discloses a path defining a circuit about which said movable bed can move (see the figure, col. 2, lines 37-54). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Stursberg a path defining a circuit about which said movable bed can move as taught by Grimhall in order to run through or re-circulate the workpiece if needed. Further, Grimhall's reference is only cited for teaching a path defining a circuit about which said movable bed can move. Stursberg and Grimhall are both taught a conveyor for transfer cutting objects; therefore, they are a good to combine.

Applicants also argue "neither Sturberg'566 nor Grimhall'614 have a movable bed..." (Remarks, Rejection of Claims 27-29, par. 6). For the broadest reasonable

interpretation the conveyor in Sturberg'566 and Grimhall'614 are considered "a moving bed". Therefore, Sturberg'566 and Grimhall'614 do disclose a movable bed.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T Van whose telephone number is 703-306-9162. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 703-305-5766. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV

June 4, 2004



Quang T Van
Primary Examiner
Art Unit 3742